

ALLEGED SHIPMENT: On or about October 24, 1950, from Manteo, N. C.

PRODUCT: 65 unlabeled 2-pound cans of frozen, cooked shrimp at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 19, 1951. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18380. Misbranding of canned peaches. U. S. v. 848 Cases * * *. (F. D. C. No. 31786. Sample No. 11972-L.)

LIBEL FILED: October 15, 1951, Southern District of Indiana; amended October 18, 1951.

ALLEGED SHIPMENT: On or about August 31, 1951, by S. G. Wimmer & Son, from Christiansburg, Va.

PRODUCT: 848 cases, each containing 48 1-pound, 13-ounce cans, of peaches at Richmond, Ind.

LABEL, IN PART: (Can) "Brush Creek Brand Yellow Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and the label of the article failed to bear the name of the optional packing medium present in the article since its label bore the statement "In Heavy Syrup" and a portion of the article was packed in a medium designated as "light sirup" in the definition and standard.

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches. The standard provides that for canned peach halves of standard quality (1) all units tested in accordance with the method prescribed in such standard shall be pierced by a weight of not more than 300 grams; (2) the weight of each peach unit shall be not less than $\frac{3}{8}$ ounce; (3) the weight of the largest unit in the container shall be not more than twice the weight of the smallest unit therein; (4) there shall be present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents; (5) not more than 20 percent of the units in the container shall be blemished with scab, hail injury, discoloration, or other abnormality; and (6) all peach units shall be untrimmed, or shall be so trimmed as to preserve their normal shape. A portion of the article failed to meet such specifications for tenderness, size, weight, peel, blemishes, and trimming, and the label failed to bear statements that the article fell below such standard.

DISPOSITION: December 3, 1951. S. G. Wimmer & Son having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

DRIED FRUIT

18381. Adulteration of raisins. U. S. v. 9 Cases * * *. (F. D. C. No. 31869. Sample No. 20854-L.)

LIBEL FILED: October 9, 1951, Western District of Louisiana.

ALLEGED SHIPMENT: On or about November 13, 1950, from Oakland, Calif.

PRODUCT: 9 cases, each containing 48 15-ounce packages, of raisins at Natchitoches, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 30, 1951. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

18382. Adulteration of canned beans. U. S. v. 147 Cases * * *. (F. D. C. No. 32077. Sample No. 13579-L.)

LIBEL FILED: On or about November 27, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about October 25, 1951, by the Ellis Canning Co., from Denver, Colo.

PRODUCT: 147 cases, each case containing 24 15½-ounce cans, of beans at Kansas City, Kans.

LABEL, IN PART: "Ellis Western Style Brown Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained added deleterious substances, stones and other extraneous material, which may have rendered the product injurious to health.

DISPOSITION: January 7, 1952. Default decree of condemnation and destruction.

18383. Misbranding of canned peas. U. S. v. 812 Cases * * *. (F. D. C. No. 31901. Sample Nos. 10811-L, 12228-L.)

LIBEL FILED: October 17, 1951, Southern District of Indiana; amended October 23, 1951.

ALLEGED SHIPMENT: On or about July 11 and 17, 1951, by the Esmeralda Canning Co., from Circleville, Ohio.

PRODUCT: 812 cases, each containing 24 1-pound cans, of peas at Indianapolis, Indiana.

LABEL, IN PART: "Kruso Garden Run Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article was a smooth-skin variety of peas and was substandard in quality in that the alcohol-insoluble solids were in excess of 23.5 percent, and it was not labeled to indicate that it was substandard.